

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
NOTICE OF MOTION NO. 154 OF 2005  
IN  
WRIT PETITION NO. 2019 OF 2003

M/s. Sadanand Garage ... Petitioner

Vs.

The State of Maharashtra  
and Ors. ... Respondents

Mr.D.H. Mehta with Mr. Y.R. Shah for Petitioner.

Mr. S.G. Surana for R. No. 2.

Mr. R.M. Sawant, Govt. Pleader for R. Nos. 1, 4 and 5.

**CORAM: F.I. REBELLO &  
MRS.V.K.TAHILRAMANI, JJ.  
DATE : 11TH AUGUST, 2006**

**P.C.:**

. This is a motion by the Petitioners to restrain the Respondent No. 1 and 2 from carrying out any development in the property bearing final Plot No. 901, Mahim TPS IV, situated at Prabhadevi, Bombay and other reliefs. The Petitioner has earlier taken out Contempt Petition No. 101 of 2004 in Writ Petition No. 2019 of 2002 and the relief in that motion was to restrain respondent from taking physical possession. The learned Bench of this court noted that the Award had been declared on 16.2.2004. The learned Division Bench also noted that the Petitioner has also applied under Section 18 of the Land Acquisition Act.

. The relief now sought for is merely consequential to taking of possession. Once earlier Motion was dismissed, it is not possible for this court merely because it is set out that possession had not been taken according to Law to grant relief as prayed for. Even otherwise, the motion was taken out on 22.3.2005, we are in August, 2006. Hence, Motion dismissed.

. The learned counsel states that the matter should be expedited. We do not think this to be a fit case to expedite the petition. Request rejected.

. We make it clear that if the respondents while taking possession have taken any material belonging to the Petitioner, they are bound to return the same to the Petitioners, based on the panchanma prepared by the Respondents. Those articles which were taken in possession, should be returned to the Petitioners.

(MRS.V.K.TAHILRAMANI, J.)

(F.I.REBELLO, J.)